

FEBRUARY 22, 2011

A Regular Meeting of Mayor and Council was convened at 8:00 p.m. on February 22, 2011 in Council Chambers of Borough Hall with Mayor Dempsey presiding.

Mayor Dempsey stated that this meeting is being held in accordance with the Open Public Meetings Act of 1975 and that notice was given to the Coast Star and the Asbury Park Press on December 21, 2010.

Mayor Dempsey welcomed the audience and invited them to join in a moment of silent prayer and a salute to the Flag.

ROLL CALL: Present: Council Members Donovan, Grasso, Lee, Lucas, and McCarthy

Absent: Connolly

Also present was Borough Attorney James Kinneally and Borough Administrator/CFO Joseph DeIorio

PRESENTATION: Ray Summers – Manasquan Tourism

Mayor Dempsey stated that Ray Summers and he will be presenting awards to sponsors of the Tourism Commission.

Tourism Chair Ray Summers, Mayor Dempsey and Council Member McCarthy presented the following local business with a plaque thanking them for their support: The Mill, Leggetts & River House, The Osprey, Manasquan Elks, Manasquan VFW, and the Turkey Trot.

APPOINTMENT: Robert Wells to Recreation Commission as the Mayor's Rep.

Mayor Dempsey appointed Robert Wells to the Recreation Commission as the Mayor's Rep.

Council Member Donovan made a motion to accept the appointment, seconded by Council Member Lucas. Motion carried unanimously.

ENGINEER'S REPORT: Mr. Charles Rooney read the Engineer's report dated February 17, 2011. He also showed two (2) different plans for the proposed boat launch at Fourth Avenue parking lot through the I Boat Program.

Council Member Lee wanted to know how much this concept would cost compared to the other repairs of \$3 million to the bulkhead.

Mr. Rooney stated that he does not believe this concept would cost a lot more. He stated that there is some paving that is being added and there will be the creation of the ramp. He stated that he did not cost out this project but he believes it would be \$50,000 to \$70,000 for the site improvement.

There was a discussion on the boat launch, what size boats would be able to launch in this area and how the funding would work.

Mr. DeIorio recommended taking the next 30 days to take in to consideration what Mr. Rooney has presented. He advised if there are any questions they can be forwarded to him or the engineer.

CONSENT AGENDA:

**RESOLUTION
36-2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, Monmouth County, New Jersey, that the application of Coastal Restaurant Group, LLC, d/b/a Edgar's Pub, for an Amusement Game License to operate an Amusement Game at 153 Sea Girt Avenue, Manasquan, New Jersey for the year 2011 is hereby approved and accepted.

BE IT FURTHER RESOLVED, that the Borough Clerk is instructed and authorized to issue a

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license, that is,

<u>NAME OF APPLICANT</u>	<u>ADDRESS OF PREMISE TO BE LICENSED</u>	<u>TYPE OF GAME AND LICENSE</u>
Edgar's Pub	153 Sea Girt Avenue Manasquan, NJ 08736	Golden Tee

**RESOLUTION
37-2011**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
MANASQUAN, COUNTY OF MONMOUTH, NEW JERSEY,
ACCEPTING A DONATION TO THE SQUAN BEACH LIFE SAVING
STATION**

WHEREAS, Kevin Casey has offered to donate his services to replace the siding at the Squan Beach Life Saving Station in the Borough of Manasquan; and

WHEREAS, Kevin Casey is the owner of Kevin Casey Builder, LLC, license number 13VH00755700 and is an experienced builder; and

WHEREAS, Kevin Casey Builder LLC has submitted his New Jersey Business Registration Certificate, a Hold Harmless Agreement and a Certificate of Insurance to the Manasquan Borough Municipal Clerk; and

WHEREAS, Kevin Casey and Kevin Casey Builder, LLC understand that an Application for Project Authorization under the New Jersey Register of Historic Places Act must be filed and accepted prior to the commencement of any work; and

WHEREAS, Kevin Casey and Kevin Casey Builder, LLC understand that all applicable building permits and inspections are required as per Manasquan Borough Ordinances and the laws of the State of New Jersey; and

WHEREAS, the Borough of Manasquan waives all permit and inspection fees; and

WHEREAS, the Mayor and Council of the Borough of Manasquan wish to
accept this donation of services.

NOW, THEREFORE BE IT RESOLVED on the 22nd day of February 2011, that the Borough Council of the Borough of Manasquan, in the County of Monmouth and State of New Jersey accepts the donation of service from Kevin Casey of Kevin Casey Builder, LLC and authorizes Kevin Casey and Kevin Casey Builder, LLC to commence and complete the replacement of the siding on the Squan Beach Life Saving Station

BE IT FURTHER RESOLVED that the Mayor and Borough Council of the Borough of Manasquan, on behalf of its residents, extends its thanks to Kevin Casey and Kevin Casey Builder, LLC for the generous donation of services and appreciates the efforts to preserve the historic integrity of the Squan Beach Life Saving Station.

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to:

Mr. Kevin Casey
Kevin Casey Builder, LLC
Custom Homes/Renovations
508 Hemlock Hill Drive
Toms River, NJ 08753

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**RESOLUTION
38-2011**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, a refund of COAH Fees are due on the below described property in the amount designated as follows:

BLOCK: 17 LOT: 19 NAME: Laurie J. Pearce

PROPERTY LOCATION: 38 Fisk

AMOUNT OF REFUND: \$250.00

REASON FOR REFUND: Refund of COAH Fees

REFUND CHECK TO BE MADE PAYABLE TO:

Laurie J. Pearce
38 Bridgewater Court
Jackson, NJ 08527-4031

WHEREAS, the Tax Collector has certified that the current property owner is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION
39-2011**

WHEREAS, it has been determined by the Zoning Board Chairman John Burke and the Board Attorney that the following applications have been closed and any unused funds returned back to the applicants:

Garrick Cox & Maryana Winston, 25 Beachfront, Blk. 165/5
Thomas Bauer, 69 Second Avenue, Blk. 163/1
Thomas Collicchio, 125 Sea Girt Avenue, Blk. 50/29.01

AND WHEREAS, the Chief Financial Officer has determined that the amount of unused escrow funds are.

Garrick Cox & Maryana Winston, \$219.32
Thomas Bauer, \$275.00
Thomas Collicchio, \$388.94

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manasquan, State of New Jersey that the Borough authorizes the Chief Financial Officer to return any unused escrow funds to the applicant as indicated above.

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**RESOLUTION
40-2011**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, refunds for overpayments on the following tax bills are due on the below described property in the amount designated as follows:

BLOCK: 157 LOT: 20.05 NAME: Kevin & Francis Kearns

PROPERTY LOCATION: 77 ½ Ocean Avenue

AMOUNT OF REFUND: \$1210.89

REASON FOR REFUND: Homeowner refinanced. Both the old mortgage company and the title company paid the 1st quarter taxes.

REFUND CHECK TO BE MADE PAYABLE TO:

Kearns, Kevin & Francis
15 Church Towers Apt. 7H
Hoboken, N.J. 07030-2783

WHEREAS, the Tax Collector has certified that the current property owner is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION
41-2011**

BE IT RESOLVED by the Council of the Borough of Manasquan, County of Monmouth, State of New Jersey that:

WHEREAS, refunds for overpayments on the following tax bills are due on the below described property in the amount designated as follows:

BLOCK: 17 LOT: 14 NAME: Salvatore & Joyce Maraziti

PROPERTY LOCATION: 18 Fisk Street

AMOUNT OF REFUND: \$3094.14

REASON FOR REFUND: Homeowner refinanced. Both the old mortgage company and the title company paid the 1st quarter taxes.

REFUND CHECK TO BE MADE PAYABLE TO:

Maraziti, Salvatore & Joyce
18 Fisk Street
Manasquan, N.J. 08736

WHEREAS, the Tax Collector has certified that the current property owner is entitled to the refund.

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized and directed to draw a warrant in the said amount to the above listed property with said warrant to be charged against the General Ledger.

**RESOLUTION
42- 2011**

**RESOLUTION OPPOSING LEGISLATION KNOWN
AS "SAVE BARNEGAT BAY FUND"**

WHEREAS, A3538 and S2470 (collectively, the "Bill"), which if enacted will be known as the "Save Barnegat Bay Act," would establish the "Save Barnegat Bay Fund" to support and help protect, preserve, and remediate the Barnegat Bay estuary and its watershed; and

WHEREAS, the Save Barnegat Bay Fund would be supported through: (1) the dedication of a portion of the sales tax on lawn fertilizer; (2) the authorization of special Save Barnegat Bay license plates; (3) donations, including those solicited or paid at the time of application or renewal of a license to operate a power vessel; and (4) the dedication of \$1.00 of each beach tag fee collected anywhere in the State; and

WHEREAS, the Save Barnegat Bay Fund would be used exclusively for the purposes of preservation and remediation of the Barnegat Bay estuary watershed, which may include a public education campaign about the importance of protecting the Barnegat Bay and measures and actions that can be taken to preserve it; and

WHEREAS, a significant portion of the Save Barnegat Bay Fund will be collected from municipalities charging and collecting a beach badge or tag fee by requiring that \$1.00 of each such fee collected would be forwarded to the State Treasurer to be deposited into the Save Barnegat Bay Fund, and the Bill will prohibit a municipality from increasing the beach badge or tag fee solely for the purpose of offsetting its obligation to contribute to the Save Barnegat Bay Fund; and

WHEREAS, in order to ensure, monitor and account for compliance with the Public Trust Doctrine, the Borough of Manasquan has voluntarily established a beach utility so that beach tag revenues are used only for the intended purposes of financing beach operations and not as a revenue source to be commingled with its general fund; and

WHEREAS, the Borough of Manasquan has an extensive and reasonably priced beach tag program which gives the public beach users several options at reasonable prices, and sells daily and seasonal tags; and

WHEREAS, as a result, the Borough of Manasquan sells approximately 100,000 beach tags per year and the annual revenue from same, is used solely and exclusively to finance beach operations so that all of the Borough of Manasquan beaches are opened to the public, accessible to the handicapped, are adequately guarded and protected, and kept clean at all times; and

WHEREAS, the charge of \$1.00 on each beach tag will cost the Borough of Manasquan over \$100,000., which will have to be financed from the general fund to restore the deficit that will occur in the beach fund and will thus use up two-thirds (2/3) of the tax levy increase permitted under the 2% levy cap; and

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WHEREAS, while the Borough of Manasquan recognized the importance of Barnegat Bay as a vital estuary and watershed, the pollution is not caused by beach users anywhere in the State and is caused by mainland communities through the use of fertilizers and other agricultural products, storm water runoff, boaters and other reasons, but it does not emanate from beach users and beach communities; and

WHEREAS, the bill would in essence be an unfair and disproportionate tax on beach communities, and the method of imposing this tax has no rational relationship to its purpose and further taxes different beach communities disproportionately and discriminatorily; and

WHEREAS, although some components of the bill which target the source of pollution as well as permit voluntary contributions to the Save Barnegat Bay Fund, the unfair tax on beach communities is reason for the Borough of Manasquan's opposition to the bill and therefore cause for this resolution in opposition.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, as follows:

1. The Mayor and Council does hereby oppose A3548 and S2470 (the "Bill"), and urges and encourages the New Jersey Senate and Assembly to defeat the Bills.
2. If passed by the Legislature, the Mayor and Council also urges and encourages Governor Chris Christie to veto the Bill.
3. That a copy of this resolution be forwarded to all Monmouth County Shore municipalities, Assemblyman James W. Holzapfel, Assemblyman David W. Wolfe, Senator Andrew R. Ciesla, and Governor Chris Christie.

**RESOLUTION
43-2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that Valerie Bills be assigned as Trust Fund Report Preparer and Joseph DeIorio as Manasquan's Housing Liaison for the Council on Affordable Housing from January 1, 2011 to December 31, 2011.

**RESOLUTION
44-2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the Borough of Manasquan authorized the Borough Administrator/CFO to submit the Energy Efficiency and Conservation Block Grant Application.

**RESOLUTION
45-2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth,

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State of New Jersey, that the Borough of Manasquan authorize John Quigley to fill in for Plumbing Inspector Paul Rubenda on an as needed basis at a rate of \$75.00 per day, 2 days per week.

**RESOLUTION
46-2011**

BE IT RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, New Jersey, that Manasquan Volunteer Engine Company No. 2 has submitted the attached members that qualify under Ordinance 2005- 07 "Free Season Beach Badge and Parking Permit for Certain Members of the Volunteer Fire Companies" and "Exemption from the Payment of Permits". These Members responded to 20% or more of the calls of the Unit or are Life Members of Manasquan Volunteer Engine Company No. 2.

BE IT FURTHER RESOLVED by the Borough Council that Manasquan Volunteer Engine Company No. 2 has submitted the attached members that qualify under Ordinance 2005-07 "Free Season Beach Badge and Parking Permit for Certain Members of the Volunteer Fire Companies". These Members responded to 20% or more of the calls of the Unit or are Life Members of Manasquan Volunteer Engine Company No. 2.

**RESOLUTION
47-2011**

WHEREAS, the Mayor and Council of the Borough of Manasquan approved Resolution 54-03 on April 21, 2003 which outlines a Length of Service Award Program (LOSAP) for the Manasquan Volunteer First Aid Squad including a point system, amount of award and plan administrator, and

WHEREAS, the Manasquan First Aid Squad has submitted the attached list of volunteers to the Chief Financial Officer who they have determined to have met the service requirements for 2010 as per Resolution 54-03 and therefore eligible for a LOSAP award, and

THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Manasquan authorize the Chief Financial Officer to issue payment to VALIC, c/o J.P. Morgan Chase in the amount of \$14,700 for the 2010 LOSAP award.

**RESOLUTION
48-2011**

FEBRUARY 22, 2011

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MANASQUAN, IN THE County of Monmouth, New Jersey (not less than three (3) members thereof affirmatively concurring) as follows:

1. All bills or claims as reviewed and approved by the Administration & Finance Committee and as set forth in this Resolution are hereby approved for payment.

2. The Mayor, Municipal Clerk and Chief Financial Officer are hereby authorized and directed to sign checks in payment of bills and claims which are hereby approved.

The computer print-out of the list of checks will be on file in the Clerk's Office.

CURRENT FUND	92,216.21
WATER/SEWER FUND:	14,901.55
BEACH FUND. :	13,435.90
GENERAL CAPITAL FUND:	75,352.88
WATER/SEWER CAPITAL FUND:	30,048.77
BEACH IMPROVEMENT FUND:	

**RESOLUTION
49-2011**

WHEREAS, it shall become necessary to expend for some of the purposes specified in the budget, an excess of the respective sums appropriated, and

WHEREAS, there is an excess in one or more appropriation reserve over and above the amount deemed necessary to fulfill the purposes of such appropriations, and

WHEREAS, N.J.S.A. 40A:4-59 provides for the transfer of such amounts deemed in excess, to appropriations the amount of which are deemed to be insufficient to fulfill the purpose of such appropriations, and

WHEREAS, the transfers about to be authorized do not affect any appropriation reserves to which or from which transfers are prohibited under the statutes, and

NOW, THEREFORE BE IT RESOLVED, that the following transfers between appropriation reserves to be authorized pursuant to N.J.S.A. 40A:4-59:

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Manasquan, County of Monmouth, State of New Jersey, that the following transfer be authorized:

CURRENT FUND

TO:

Engineering	2,000.00
Planning Board O/E	200.00
Legal Service and Costs O/E	10,000.00
LOSAP O/E	700.00
SCAT	622.00
Buildings and Grounds O/E	<u>2,000.00</u>
Total	\$15,522.00

FROM:

Vehicle Maintenance	\$ 3,000.00
Landfill Solid Waste Disposal	<u>12,522.00</u>

Total

\$15,522.00

BE IT FURTHER RESOLVED, that a copy of this resolution be filed forthwith with the Chief Financial Officer.

Council Member Lee made a motion to accept the Consent Agenda, seconded by Council Member Lucas. Motion carried by the following vote: "yes" Council Member Donovan, Grasso, Lee, Lucas, and McCarthy, "no" none.

APPROVAL OF MINUTES

Regular Meeting Minutes – November 22, 2010

Work Session Minutes – November 22, 2010

Council Member Donovan made a motion to approve the minutes, seconded by Council Member Grasso. Motion carried by the following vote; "Yes" Council Member Donovan, Grasso, Lee, Lucas. Council Member McCarthy abstained from voting.

COMMITTEE REPORTS

Public Works Committee – Council Member Donovan reminded everyone that if there is any damage caused by snow plowing to notify the DPW and they will start making repairs. He reported that the street sweeper operates will be back within the next two (2) weeks by March 7, 2011 at the latest.

Public Property and Parks Committee – Council Member McCarthy thanked all the sponsors again from the Tourism Commission. He stated that he has been a member of the Tourism for three (3) years and all of the sponsors really go above and beyond every year to contribute to the community.

Beach Committee – Council Member Lee thanked the Tourism Commission, Ray Summers and Ann Summers for all they do.

Public Safety & Recycling Committee – Council Member Lucas had nothing further at this time.

Law & Code Committee – Council Member Grasso reported that the revenues from the Courts for the month of January and they were \$8,800 compared to \$15,500 last year.

AUDIENCE PARTICIPATION

Council Member Lucas made a motion to open the meeting up to the public, seconded by Council Member Lee. Motion carried unanimously.

Jack Drew, Virginia Avenue stated that the town fountain was out of function for a long time; Michael O'Boyle stepped forward to head up the repair project. He stated that he assisted Mr. O'Boyle and the plumber from Allen's plumbing in devising a way to repair the fountain, which was a pipe. He stated that the pipes were frozen and broken and that work was done by Allen's Plumbing and also from Hall's Monument Company. He stated that the work was paid for by a combination of the Elks, VFW and the Chamber of Commerce and a number of others that worked on it as volunteers. He advised that the fountain was up and going in October and it only latest a week because the pump broke. He stated that he wanted to make two (2) points and one is to make sure that there is in the budget money for a new or repaired pump and there also needs to be some masonry work. He stated that he believes Mr. O'Boyle did a wonderful job spearheading this project. He asked if there was any public recognition of Mr. O'Boyle for his work.

Council Member Lee stated that he had spoke at least five (5) different meetings on updates and specifically mentioning different groups and people that were involved. He thanked Mr. Drew for all that he has done and advised that the Borough has paid for some of the work that was done.

Mr. Drew wanted to know if there was money put aside for the town fountain.

Council Member Lee stated that the does not remember a specific line item, but it is on the Public Works list for repairs to do this spring.

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Council Member Grasso made a motion to close the public session, seconded by Council Member Donovan. Motion carried unanimously.

Council Member Donovan made a motion to close the regular meeting at 8:55 p.m., seconded by Council Member McCarthy. Motion carried unanimously.

Respectfully submitted,



Barbara J. Ilaria
Municipal Clerk

DATE APPROVED 7-11-11